IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.7683 OF 2004

Shri Ramchandra Dnyanu Shinde, .. Petitioner

vs

Shri Ramrao Pandu Shinde, .. Respondent

Mr A.A.Kumbhakoni, i/b Mr T.D.Deshmukh, for the petitioner.

Mr.R.V.More, for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 12th October, 2004.

PC:

1. Heard the learned counsel for the parties.

2. This petition challenges the concurrent findings recorded by the Courts below by which the prayer of the petitioner for grant of status-quo has been rejected. The petitioner-plaintiff filed a suit for permanent injunction restraining the respondent-defendant from fetching water by electric motor from the well in dispute and cutting teak trees. The application-Exhibit-5 filed by the petitioner was rejected by the order dated 18.7.2001. Even the application Exhibit-44 filed by the petitioner seeking status-quo of teak wood trees in Gat No.554 was also rejected on the ground that Gat No.554 was not the suit

property. Thereafter, the petitioner seems to have amended the suit and included Gat No.554 as the suit property. Both the Courts below, after considering the material placed before them, rejected the prayer seeking status-quo of teak tress in Gat no.554. Keeping that in view and considering that there are concurrent findings recorded by both the Courts below and as I find that there is sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this Court under Article 227 of the Constitution of India to disturb the findings of fact, the present writ petition cannot be entertained. The writ petition, therefore, fails and is dismissed as such.

3. Hearing of the suit is expedited.

(D.B.BHOSALE, J.)